IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5127 OF 2005

Kelwyan John Nicholas
Pereira and Anr. . .. Petitioners.

vs.

Albina Alex Fernandes
& Ors. .. Respondents.

Mr. K.S. Dewal for petitioners.
Mr. Mohan Dharmaraj for respondent no.1.

CORAM : S.U. KAMDAR, J.
DATE : 28th November, 2005.

P.C.:

. The impugned order which is challenged is dated 27.6.2005. Under the impugned order an application under Order 19 Rule 2 of CPC has been granted by the trial Court in Special Civil Suit No. 386 of 2004. The said order is being challenged by contending that the learned trial Court has erred in permitting cross-examination of the 1st defendant. In my opinion, such a procedural and interlocutory order in the course of trial cannot be interfered with in writ jurisdiction under article 227 of the

Constitution of India. It is by now well settled that unless there is a overwhelming circumstances resulting in a substantial injustice, a court is not required to interfere with the order passed at the interlocutory stage in the writ petition. In that view of the matter, petition dismissed. No order as to costs.